

Todd M. Friedman (SBN 216752)
Suren N. Weerasuriya (SBN 278521)
Adrian R. Bacon (SBN 280332)
LAW OFFICES OF TODD M. FRIEDMAN, P.C.
324 S. Beverly Dr., #725
Beverly Hills, CA 90212
Phone: 877-206-4741
Fax: 866-633-0228
tfriedman@attorneysforconsumers.com
sweerasuriya@attorneysforconsumers.com
abacon@attorneysforconsumers.com
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EZHENI CHAVUSHYAN, individually) Case No.
and on behalf of all others similarly)
situated,) **CLASS ACTION**
)
Plaintiff,) **COMPLAINT FOR VIOLATIONS**
) **OF:**
)
vs.)
) 1. VIOLATIONS OF
CREDIT CONTROL LLC,) TELEPHONE CONSUMER
) PROTECTION ACT [47
) U.S.C. §227 ET SEQ.]
Defendants.) 2. FAIR DEBT COLLECTION
) Fair Debt Collection
) Practices Act, 15 U.S.C. §
) 1692, *et seq.*]

DEMAND FOR JURY TRIAL

Plaintiff EZHENI CHAVUSHYAN (“Plaintiff”), individually and on behalf of all others similarly situated, alleges the following against Defendant CREDIT CONTROL LLC upon information and belief based upon personal knowledge:

INTRODUCTION

1 District of California pursuant to *18 U.S.C. 1391(b)* and *18 U.S.C. § 1441(a)*
2 because Defendant does business within the State of California and Plaintiff
3 resides within this District.

4 **PARTIES**

5 6. Plaintiff, EZHENI CHAVUSHYAN (“PLAINTIFF”), is a
6 natural person residing in Los Angeles County in the state of California, and is a
7 “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3).

8 7. At all relevant times herein, DEFENDANT, CREDIT
9 CONTROL LLC (“DEFENDANT”), was a company engaged, by use of the
10 mails and telephone, in the business of collecting a debt from PLAINTIFF which
11 qualifies as a “debt,” as defined by 15 U.S.C. §1692a(5). DEFENDANT
12 regularly attempts to collect debts alleged to be due another, and therefore is a
13 “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

14 8. Defendants acted through their agents, employees, officers,
15 members, directors, heirs, successors, assigns, principals, trustees, sureties,
16 subrogees, representatives, and insurers.

17 **FACTUAL ALLEGATIONS – TCPA**

18 19
20 9. Beginning in or around March of 2015, Defendant contacted Plaintiff
21 on her cellular telephone number ending in -0224, in an effort to collect an
22 alleged debt owed from Plaintiff.

23 10 Defendant usually called from phone number 1-888-401-9025.

24 11. In its efforts to collect the alleged debt owed from Plaintiff,
25 Defendant used an “automatic telephone dialing system”, as defined by *47 U.S.C.*
26 *§ 227(a)(1)* to place its daily calls to Plaintiff seeking to collect an alleged debt
27 owed.

28 12. Defendant’s calls constituted calls that were not for emergency

1 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

2 13. Defendant's calls were placed to telephone number assigned to a
3 cellular telephone service for which Plaintiff incurs a charge for incoming calls
4 pursuant to 47 U.S.C. § 227(b)(1).

5 14. During all relevant times, Defendant did not possess Plaintiff's
6 "prior express consent" to receive calls using an automatic telephone dialing
7 system or an artificial or prerecorded voice on his cellular telephone pursuant to
8 47 U.S.C. § 227(b)(1)(A). Furthermore, Plaintiff orally revoked any and all
9 consent to be contacted using an automated telephone dialing system, to the
10 extent any ever existed.

11 **FACTUAL ALLEGATIONS – FDCPA**

12 15. In addition to the facts pled above, at various times prior to the filing
13 of the instant complaint, including within one year preceding the filing of this
14 complaint, DEFENDANT contacted PLAINTIFF in an attempt to collect an
15 alleged outstanding debt.

16 16. On or about March of 2015, Plaintiff began receiving numerous
17 calls from Defendant.

18 17. Plaintiff paid the minimum payment required, yet Defendant still
19 tried to collect on the alleged debt.

20 18. Due to the aforementioned conduct, Defendant has used practices in
21 connection with attempts to collect an alleged debt owed from Plaintiff which are
22 prohibited by federal law.

23 19. DEFENDANT'S conduct violated the FDCPA in multiple ways,
24 including but not limited to:

- 25 a) Causing a telephone to ring repeatedly or continuously to
26 annoy Plaintiff (Cal Civ Code § 1788.11(d));
27
28

- b) Communicating, by telephone or in person, with Plaintiff with such frequency as to be unreasonable and to constitute an harassment to Plaintiff under the circumstances (Cal Civ Code § 1788.11(e));
- c) Causing Plaintiffs telephone to ring repeatedly or continuously with intent to harass, annoy or abuse Plaintiff (§ 1692d(5));
- d) Communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff (§1692c(a)(1)), and
- e) Engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff (§ 1692d)).

20. As a result of the above violations of the FDCPA, Plaintiff suffered and continues to suffer injury to PLAINTIFF'S feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and DEFENDANT is liable to PLAINTIFF for PLAINTIFF'S actual damages, statutory damages, and costs and attorney's fees.

CLASS ACTION ALLEGATIONS

21. Plaintiff brings this action individually and on behalf of all others similarly situated, as a member of the proposed class (hereafter "The Class") defined as follows:

All persons within the United States who received any telephone calls from Defendant to said person's cellular telephone made through the use of any automatic telephone dialing system or an artificial or prerecorded voice and such person had not previously consented to receiving such calls within the four years prior to the filing of this Complaint

1
2 21. Plaintiff represents, and is a member of, The Class, consisting of All
3 persons within the United States who received any collection telephone calls from
4 Defendant to said person's cellular telephone made through the use of any
5 automatic telephone dialing system or an artificial or prerecorded voice and such
6 person had not previously not provided their cellular telephone number to
7 Defendant within the four years prior to the filing of this Complaint.

8 22. Defendant, its employees and agents are excluded from The Class.
9 Plaintiff does not know the number of members in The Class, but believes the
10 Class members number in the thousands, if not more. Thus, this matter should be
11 certified as a Class Action to assist in the expeditious litigation of the matter.

12 23. The Class is so numerous that the individual joinder of all of its
13 members is impractical. While the exact number and identities of The Class
14 members are unknown to Plaintiff at this time and can only be ascertained
15 through appropriate discovery, Plaintiff is informed and believes and thereon
16 alleges that The Class includes thousands of members. Plaintiff alleges that The
17 Class members may be ascertained by the records maintained by Defendant.

18 24. Plaintiff and members of The Class were harmed by the acts of
19 Defendant in at least the following ways: Defendant illegally contacted Plaintiff
20 and Class members via their cellular telephones thereby causing Plaintiff and
21 Class members to incur certain charges or reduced telephone time for which
22 Plaintiff and Class members had previously paid by having to retrieve or
23 administer messages left by Defendant during those illegal calls, and invading the
24 privacy of said Plaintiff and Class members.

25 25. Common questions of fact and law exist as to all members of The
26 Class which predominate over any questions affecting only individual members
27 of The Class. These common legal and factual questions, which do not vary
28 between Class members, and which may be determined without reference to the

1 individual circumstances of any Class members, include, but are not limited to,
2 the following:

- 3 a. Whether, within the four years prior to the filing of this
4 Complaint, Defendant made any collection call (other than a
5 call made for emergency purposes or made with the prior
6 express consent of the called party) to a Class member using
7 any automatic telephone dialing system or any artificial or
8 prerecorded voice to any telephone number assigned to a
9 cellular telephone service;
- 10 b. Whether Plaintiff and the Class members were damages
11 thereby, and the extent of damages for such violation; and
- 12 c. Whether Defendant should be enjoined from engaging in such
13 conduct in the future.

14 26. As a person that received numerous collection calls from Defendant
15 using an automatic telephone dialing system or an artificial or prerecorded voice,
16 without Plaintiff's prior express consent, Plaintiff is asserting claims that are
17 typical of The Class.

18 27. Plaintiff will fairly and adequately protect the interests of the
19 members of The Class. Plaintiff has retained attorneys experienced in the
20 prosecution of class actions.

21 28. A class action is superior to other available methods of fair and
22 efficient adjudication of this controversy, since individual litigation of the claims
23 of all Class members is impracticable. Even if every Class member could afford
24 individual litigation, the court system could not. It would be unduly burdensome
25 to the courts in which individual litigation of numerous issues would proceed.
26 Individualized litigation would also present the potential for varying, inconsistent,
27 or contradictory judgments and would magnify the delay and expense to all
28 parties and to the court system resulting from multiple trials of the same complex

1 factual issues. By contrast, the conduct of this action as a class action presents
 2 fewer management difficulties, conserves the resources of the parties and of the
 3 court system, and protects the rights of each Class member.

4 29. The prosecution of separate actions by individual Class members
 5 would create a risk of adjudications with respect to them that would, as a practical
 6 matter, be dispositive of the interests of the other Class members not parties to
 7 such adjudications or that would substantially impair or impede the ability of such
 8 non-party Class members to protect their interests.

9 30. Defendant has acted or refused to act in respects generally applicable
 10 to The Class, thereby making appropriate final and injunctive relief with regard to
 11 the members of The Class as a whole.

12 **FIRST CAUSE OF ACTION**

13 **Negligent Violations of the Telephone Consumer Protection Act**

14 **47 U.S.C. §227 et seq.**

15 31. Plaintiff repeats and incorporates by reference into this cause of
 16 action the allegations set forth above at Paragraphs 1-30.

17 32. The foregoing acts and omissions of Defendant constitute numerous
 18 and multiple negligent violations of the TCPA, including but not limited to each
 19 and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

20 33. As a result of Defendant's negligent violations of *47 U.S.C. § 227 et*
 21 *seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in
 22 statutory damages, for each and every violation, pursuant to *47 U.S.C. §*
 23 *227(b)(3)(B).*

24 34. Plaintiff and the Class members are also entitled to and seek
 25 injunctive relief prohibiting such conduct in the future.

26 **SECOND CAUSE OF ACTION**

27 **Knowing and/or Willful Violations of the Telephone Consumer Protection**

28 **Act**

47 U.S.C. §227 et seq.

35. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-30.

36. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

37. As a result of Defendant's knowing and/or willful violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

38. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

THIRD CAUSE OF ACTION

Violations of the federal Fair Debt Collection Practices Act

15 U.S.C. § 1692 et seq.

39. Plaintiff repeats and reincorporates by reference into this cause of action allegations set forth above at paragraphs 1-30.

40. To the extent that Defendant's actions, counted above, violated the RFDCPA, those actions were done knowingly and willfully.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

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FIRST CAUSE OF ACTION

Negligent Violations of the Telephone Consumer Protection Act

47 U.S.C. §227 et seq.

- As a result of Defendant's negligent violations of *47 U.S.C.*

1 §227(b)(1), Plaintiff and the Class members are entitled to and
2 request \$500 in statutory damages, for each and every violation,
3 pursuant to 47 U.S.C. 227(b)(3)(B).

- 4 • Any and all other relief that the Court deems just and proper.

5 **SECOND CAUSE OF ACTION**

6 **Knowing and/or Willful Violations of the Telephone Consumer Protection**

7 **Act**

8 **47 U.S.C. §227 et seq.**

- 9 • As a result of Defendant's willful and/or knowing violations of 47
10 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to
11 and request treble damages, as provided by statute, up to \$1,500, for
12 each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and
13 47 U.S.C. §227(b)(3)(C).

- 14 • Any and all other relief that the Court deems just and proper.

15 **THIRD CAUSE OF ACTION**

16 **Violations of the Rosenthal Fair Debt Collection Practices Act**

17 **Cal. Civ. Code § 1788 et seq.**

18
19 WHEREFORE, Plaintiff respectfully prays that judgment be entered against
20 Defendant for the following:

- 21 A. Actual damages;
- 22 B. Statutory damages for willful and negligent violations;
- 23 C. Costs and reasonable attorney's fees,
- 24 D. For such other and further relief as may be just and proper.

25 **TRIAL BY JURY**

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27 41. Pursuant to the seventh amendment to the Constitution of the
28 United States of America, Plaintiff is entitled to, and demands, a trial by jury.

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2 Respectfully submitted this 9th day of June, 2015.
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4
5 LAW OFFICES OF TODD M. FRIEDMAN, P.C.
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7
8 By: /s/ Todd M. Friedman
9 Todd M. Friedman
10 Law Offices of Todd M. Friedman
11 Attorney for Plaintiff
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